



St. Onge Steward Johnston & Reens LLC

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January 17, 2002

Ms. Sharene Willis  
Assistant Commissioner for Patents  
United States Patent & Trademark Office  
Office of Petitions  
Washington DC 20231  
BOX DAC

Attention: Ms. Sharene Willis

RE: US Application entitled *Polymeric Medium for the Retention of Reagent Species For Use in a Hand Held Device For teh Relatively Rapid Detection of the Presence of an Analyte of Interest in a Sample*, to DiCeasare et al.

Dear Ms. Willis:

This confirms our recent telephone conversation that you have searched for our recent petition for communication never received, and were not able to locate the petition, or above-referenced lost patent application.

Enclosed is a complete copy of our file. Please review this case, and proceed with evaluating the petition on the merits.

Should any fee be required in connection with the filing of this petition, as well as the filing of the enclosed patent application, please charge such fees to Deposit Account No. 19-4516 (St. Onge Steward Johnston & Reens).

Respectfully submitted,

Michael Krenicky, Reg. No. 45,411

Enclosure



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

MONTHLY STATEMENT  
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and  
return top portion with your check. Make check  
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43002

Account No.	194516
Date	3-29-02
Page	1

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ELIZABETH POTTER  
986 BEDFORD STREET  
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St. Onge Steward Johnston & Reens

STAMFORD CT 06905

MAY 06 2002

PLEASE SEND REMITTANCES TO:  
Patent and Trademark Office  
P.O. Box 70541  
Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
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3	1	02	10	09656384	02931-P0050A	103	36.00	22383.24
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3	4	02	9	09383242	PL-4528	102	420.00	21639.24
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3	21	02	183	PCT/US01/25348	3458P0009AWO	803	9.00	18809.24
3	22	02	7	PCT/US02/00170	3406P0001AWO	899	-296.00	19105.24
3	22	02	9	PCT/US02/00170	3406P0001AWO	899	208.00	18897.24
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3	28	02	67	60367133	02315-P0025A	114 214	50.00	18887.24

AN AMOUNT SUFFICIENT TO  
COVER ALL SERVICES REQUESTED  
MUST ALWAYS BE ON DEPOSIT.

OPENING BALANCE  
22903.24

TOTAL CHARGES  
4752.00

TOTAL CREDITS  
736.00

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18887.24



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ST. ONGE STEWARD JOHNSTON & REENS  
ELIZABETH POTTER  
986 BEDFORD STREET  
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FINA

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DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
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5	29	02	3	10134829	00512-P0064A	103	18.00	16189.24
5	31	02	1	09068884	03475P0006A	116	290.00	15899.24

ENTERED  
JUN 26 2002

RECEIVED  
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JUN 28 2002

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AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT.			OPENING BALANCE 18485.24	TOTAL CHARGES 2640.00	TOTAL CREDITS 54.00	CLOSING BALANCE 15899.24
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\*\*\* 00 INDICATES OVERDRAWN



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/887,703	03/29/2001	1743	710	03141- P0349A	6	16	1

CONFIRMATION NO. 3422

24126

ST. ONGE STEWARD JOHNSTON & REENS, LLC  
986 BEDFORD STREET  
STAMFORD, CT 06905-5619

**RECEIVED**

St. Onge Steward Johnston &amp; Reens

FILING RECEIPT



OC000000008158329

MAY 24 2002

Date Mailed: 05/21/2002

FILE \_\_\_\_\_  
DKT \_\_\_\_\_

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Joseph L. DiCesare, Redding, CT;  
John T. McCaffrey, Cheshire, CT;

**Domestic Priority data as claimed by applicant**

THIS APPLN CLAIMS BENEFIT OF 60/193,519 03/31/2000

**Foreign Applications**

If Required, Foreign Filing License Granted 04/02/2002

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

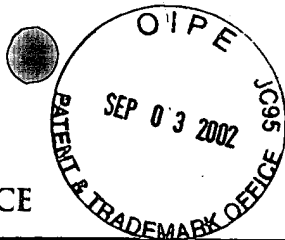
**Title**

Polymeric medium for the retention of reagent species for use in a hand-held device for the relatively rapid detection of the presence of an analyte of interest in a sample

**Preliminary Class**



UNITED STATES  
PATENT AND  
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JUN 13 2002

CORRECTED  
NOTICE

JUNE 05, 2002

PTAS

ST. ONGE STEWARD JOHNSTON & REENS LLC  
WESLEY W. WHITMYER, JR.  
986 BEDFORD STREET  
STAMFORD, CT 06905-5619

FILE 3141-P0349A  
DKT 617102-18

Commissioner for Trademarks  
Arlington, VA 22202-3513  
www.uspto.gov



\*102108075A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/29/2001

REEL/FRAME: 012630/0892  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DICESARE, JOSEPH L.

DOC DATE: 03/23/2001

ASSIGNOR:

MCCAFFREY, JOHN T.

DOC DATE: 03/23/2001

ASSIGNEE:

PERKINELMER INSTRUMENTS LLC  
761 MAIN AVENUE  
NORWALK, CONNECTICUT 06859-0119

SERIAL NUMBER: 09887703  
PATENT NUMBER:

FILING DATE: 03/29/2001  
ISSUE DATE:

MARGARET LASALLE, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



PATENT  
03141-P0349A WWW/MWK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	Joseph L. DiCesare, <i>et al.</i>
Serial Nos. 09/645,977 & 09/887,703	Filing Date: March 29, 2001
Title of Application:	Polymeric medium for the Retention of Reagent Species for Use in a Hand-Held Device for the Relatively Rapid Detection of the Presence of an Analyte of Interest in a Sample
Confirmation No.	Group Art Unit:

Box DAC  
Assistant Commissioner for Patents  
Washington, DC 20231

**Request to Merge Pending Patent Applications**

Dear Sir:

Applicant hereby petitions the Commissioner to merge the above-captioned Patent Applications into a single file based upon Applicant's understanding that two serial numbers were assigned to a single patent application upon resolution of Applicant's previously filed Petition For Correspondence Never Received dated October 25, 2001. Applicant respectfully requests that U.S. Application Serial No. 09/645,977, be merged into U.S. Application Serial No. 09/887,703, such that only one U.S. Application Serial No. 09/887,703, remains pending and incorporates all of Serial No. 09/645,977 by reference.

Mailing Certificate: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as *First Class Mail* in an envelope addressed to: Commissioner for Patents and Trademarks; Washington, DC 20231.

August 27, 2002

  
Maryalice Glaser

Adjustment date: 03/18/2003 AKELLEY  
05/02/2002 AKELLEY 00000003-194516 09645977  
01 FC:101 710.00 CR

Page 2  
Serial No. 09/645,977  
Serial No. 09/887,703  
August 27, 2002

On March 29, 2001, the above-referenced patent application was mailed "express mail" to the United States Patent and Trademark Office. The file was apparently lost in the mail, or misplaced by the Office.

On October 26, 2001, the Applicant submitted a Petition For Correspondence Never Received dated October 25, 2001.

On or about January 17, 2002, after receiving no response to Petition For Correspondence Never Received, Applicant performed an informal status check as to the pending Petition For Correspondence Never Received. Applicant was informed that the Petition For Correspondence Never Received was not locatable at the USPTO. Applicant was instructed to resend a duplicate copy of the Petition For Correspondence Never Received directly to Ms. Shirene Willis, of the Office of Petitions. Applicant resent a duplicate copy of Petition For Correspondence Never Received on January 17, 2002, with instructions to charge any fees associated therewith to Deposit Account No. 19-4516. (See Exhibit A, letter from Michael Krenicky to Shirene Willis dated January 17, 2002).

On March 7, 2002 Applicant received a first Decision Granting Petition For Correspondence Never Received from Ms. Willis (Exhibit B). That petition also provided the above-referenced In re Application of DiCesare *et al.* with application No. 09/887,703.

On May 10, 2002, Applicant received a second Decision Granting Petition For Correspondence Never Received from Mr. James Engel (Exhibit C). That petition also provided what appears to be the same In re Application of DiCesare *et al.* with application No. 09/645,977.

By comparing Exhibits B and C, Applicant believes that two different Application Serial Nos. were erroneously assigned to the same patent application because both decisions relate to a copy of the original patent application papers showing Express Mail label No. EL 574 209 483 US. This is further evidenced by the fact that the two decisions relate to the same Inventor, having the same filing date, and the same attorney docket number. Applicant suspects that the first filed Petition For Correspondence Never Received resur-

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Serial No. 09/645,977  
Serial No. 09/887,703  
August 27, 2002

faced or became locatable at the USPTO only after the first decision, expedited by Ms. Willis was granted.

Exhibit C, instructs Applicant to notify this Office (Petitions) if the original application papers are subsequently discovered in the Office so that the present duplicate file can be merged with the original papers and any duplicate filing refunded. Although the original application has not been located, the present case is similar, and Applicant requests Petitions to merge the above-captioned Patent Applications into a single file based upon Applicant's understanding that two serial numbers were assigned to a single patent application upon resolution of Applicant's previously filed Petition For Correspondence Never Received dated October 25, 2001. Applicant respectfully requests that U.S. Application Serial No. 09/645,977, be merged into U.S. Application Serial No. 09/887,703, such that only one U.S. Application Serial No. 09/887,703 remains pending and incorporates all of Serial No. 09/645,977 by reference.

#### **Duplicate Filing Refund**

Exhibit D is a Monthly Statement of Deposit Account dated 3/29/02. This statement indicates that deposit account no. 194516 was charged a \$710.00 filing fee for patent Serial No. 09887703, (Docket No. 3141-P0349A) on 3/8/02. Additionally a \$40.00 assignment fee was charged on 3/8/02.

Exhibit E is a Monthly Statement of Deposit Account dated 5/31/02. This statement indicates that deposit account no. 194516 was charged a \$710.00 filing fee for patent Serial No. 09645977, (Docket No. 3141-P0349A) on 5/2/02. Additionally a \$40.00 assignment fee was charged on 5/2/02.

Applicant respectfully request that its duplicate filing be refunded to St. Onge Steward Johnston & Reens' deposit account no. 194516.



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Serial No. 09/645,977  
Serial No. 09/887,703  
August 27, 2002

**Duplicate Filing Receipts Have Been Received**

Exhibit F is a filing receipt issued for Application Serial No. 09/887,703.

Exhibit G is a filing receipt issued for Application Serial No. 09/645,977.

Based upon Applicant's understanding that these filing receipts are for the same patent application, the filing receipts should be merged into one file, preferably 09/887,703.

**Assignment of Patent Application**

Applicant received an assignment recordation for the above-referenced patent Application bearing Serial No. 09645977 on May 3, 2002 after applicant received first petition grant assigning Serial No. 09887703 (Exhibit B). Applicant immediately informed the Assignment division that the Serial No on reel/frame 12630/0892 was incorrect and corrected the number to 09887703. Merging patent Application Serial No. 09645977 into Serial No. 09887703 would ensure accuracy of the corrected notice of recordation of assignment document mailed by the USPTO on June 5, 2002 (Exhibit H).

Should the Petitions Office have any questions about this request to merge, it is invited to contact Michael Krenicky at (203) 324-6155 at the Law Offices of St. Onge Steward Johnson & Reens.

Respectfully submitted,

8/27/02  
Date



Wesley W. Whitmyer, Jr., Reg. No. 33,558  
Michael W. Krenicky, Registration No. 45,411  
Attorneys for Applicants /  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155